



Planning Commission Meeting Minutes

Tuesday, August 31, 2010

DATE: 28 September, 2010

APPROVED BY:

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MINUTES OF THE LAKE COUNTY PLANNING COMMISSION August 31, 2010

USE THIS FOR MINUTES LEDGER

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Pesec called the meeting to order at 7:02 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Martin (alt. for Troy) Morse, Schaedlich, Smith (alt. for Sines), Welch, (alt. for Aufuldish), Zondag and Mmes. Hausch and Pesec. Staff present: Messrs. Boyd, Radachy, and Ms. Truesdell. Mr. Troy arrived at 7:20.

MINUTES

Mr. Schaedlich moved and Mr. Zondag seconded the motion to approve the July 27, 2010 minutes with a few minor capitalization corrections.

All voted "Aye".

FINANCIAL REPORT

Mr. Adams moved and Mr. Morse seconded the motion to approve the June, 2010 Financial Report.

All voted "Aye".

Mr. Adams inquired if the remaining appropriations, especially, in the Personnel Services accounts, would be enough to finish the year. Mr. Boyd assured him that the Finance Department had appropriated enough, and, were we to fall short, the appropriations would be increased.

Mr. Adams moved to approve the financial report as it stands. Mr. Morse seconded the motion.

All voted "Aye".

PUBLIC COMMENT

There was no public comment.

LEGAL REPORT

There were no legal issues to report.

DIRECTOR'S REPORT

Subdivision Regulations Update

Mr. Boyd said that community planning projects are all moving along as planned. He and Mr. Radachy are updating proposed amendments to the Subdivision Regulations and the Board can anticipate full staff reports at the September meeting. This includes researching the bonding requirements.

Ashtabula County Coastal Planning, Transportation Plan, Mentor Zoning Proposal

Mr. Boyd said that Ashtabula County requested exploring collaboration with Lake County regarding coastal planning and development. The countywide transportation plan map is being drafted. The City of Mentor received our pre-proposal and has requested a full proposal for a \$9-10,000 contract.

Community Development Block Grant (CDBG)

Mr. Boyd said the Commissioners have asked that he and staff assist with the Community Development Block Grant (CDBG) Program and the Neighborhood Stabilization Program (NSP). The NSP contracts need to be executed by September 18th. In addition, the annual Community Development Block Grant applications for various programs and financial disbursement must be completed. After these deadlines are met, Mr. Boyd and the Commissioners will determine a long-term operational framework for the Planning Commission. He is going to a training seminar in Detroit on September 15-16th. The Commissioners have supported this move and indicated that we would receive the resources we need to support this new endeavor since the Federal money can be used to supplement staff salaries. The Planning Commission duties will not become secondary to maintaining our contracts with Mentor, Fairport Harbor and Willoughby, the Balanced Growth Initiative and other Planning Commission obligations.

The CDBG fiscal year runs from October 1 to September 30th and the County receives about \$1.5 million of which 6-8% is used for administration. The more pressing issue is the \$3.4 million the County was awarded for the stimulus program called the Neighborhood Stabilization Program (NSP) of which about \$1.8 million has to be obligated by September 18th. We have until March 31, 2013 to spend the money. In addition, there is a \$780,000 energy efficiency grant.

Recently, HUD audited the CDBG program and the NSP program. Mr. Boyd did not expect any findings, just recommendations.

Commissioner Troy arrived at 7:25 p.m.. He addressed the Planning Commission's new task with CDBG and NSP programs and said that traditionally, a planning commission and community development department can be combined into one department. He thinks that would be a good fit here. Since Mr. Boyd understands the grant writing process, as proven in the grants he has obtained, this would be a good fit. The Lake County Planning Commission exists because the County Commissioners decided to exercise that option under Ohio law. The Commission has to follow certain clearly defined rules under state law. He knows there have been concerns that the new responsibilities will take away from the core purpose of the Planning Commission. He thinks that anything we do to develop our community is the core purpose of the Planning Commission. There is going to be change throughout the state recognizing that we cannot have separate entities doing their own thing. There is an allowance by the federal government to use some of the CDBG money for administrative costs.

Ms. Pesec said that even though the Department is down two people and they have brought in additional grant money, they are really stretched even though the subdivisions are down.

Mr. Troy said you may hear that Planning Commission will become the office of Planning and Community Development.

Ms. Pesec thanked Mr. Troy for coming to the meeting to explain these changes. Mr. Troy left at 7:35 p.m.

ANNOUNCEMENT

There were no announcements.

SUBDIVISION REVIEW

Subdivision Activity Report

Mr. Radachy said that the Cambden Creek Phase 2 road was placed in maintenance and sanitary sewer and water were accepted by the Commissioners. The Plat has been signed by the County Engineer.

The Improvement Plans for Mountainside Farms Phase 4, (connector road to Morley Road), have been approved by the County Engineer, Concord Township, and the Concord Township Fire Department. Currently the Soil and Water Conservation District is reviewing the plans. Then it goes to the Utilities Department and to the Planning Commission and finally to the Commissioners. Once accepted, construction may begin. The Final Plat will be required to go through the final approval process. Currently, the Final Plat approval will expire in October. According to regulations, the developer would be required to have the road built, in maintenance, and the plat recorded by October 31st. The developer stated he will apply for an extension.

LAND USE AND ZONING REVIEW

Leroy Township – Proposed Text Amendments to Section III, Districts and Section IV, Agriculture

Mr. Radachy said the new language in Section III added the new districts that were created over the past couple of years and revised the names of the existing districts, for example R became R-1. The only issue with this section was the fact that R-2 is Rural Residential, not residential as noted in the amendment.

Mr. Radachy said that the change to Section IV was the definition of agriculture. The new definition is in line with ORC 519.01.

Staff stated that there were two ways to know if the agriculture buildings are agriculture buildings and not just another accessory building. Some townships like Madison, ask people to file an application for a permit, but no fee is collected and no permit is issued. Other townships just come back later and ask after the building is built. The owner would state that the building is agriculture. ORC 519.21 allows for townships to regulate setbacks only in the case of lots under five acres in platted subdivisions or in areas with 15 or more lot splits. The staff's recommendation should reflect this fact.

Staff recommended approval of the text changes with suggestions from the Land Use and Zoning Committee. The following are the recommended changes to the section:

1. R-2 is Rural Residential; it should be listed as Rural Residential in Section III.
2. The setbacks for agricultural buildings shall comply with ORC 519.21. ORC 519.21 allows a township to require agriculture buildings to meet setbacks if the lot size is under 5 acres and the lots are in a platted subdivision or an area with 15 or more lot splits.
3. The township should require that the applicant apply for a permit. If the use is agriculture, then no permit will be issued and no fee would be collected. ORC 519.21 states no permit is required, but it is silent on if an application for permit is allowable. A legal review should be obtained prior to adding this requirement.

Mr. Schaedlich moved to accept the recommendation of the Land Use and Zoning Committee to approve the changes, with staff's suggestions, to the proposed text amendments to Section III, Districts and Section IV, Agriculture. Ms. Hausch seconded the motion.

All voted "Aye".

Leroy Township – Text Change to Addition of Section 34, Estate Lot Overlay

Mr. Radachy said that Section 34 was created to encourage the use of common access driveways and to address the issue of multiple driveways in short sections of road. This section is PUD overlay district over the existing R-1 and R-2 zones. It is similar to Perry Township's CCOD. The advantage to a PUD overlay district is that Leroy Township can develop its own approval process. They are not required to have two public hearings like a traditional district change.

The basics of the language would require the owner to have a minimum of 11 acres to create this development. The lots would consist of 5 acres with a lot width of 200 feet at the building setback line. All the lots would not have public frontage. They would access the road through an access parcel. Staff noted this might become financially difficult for only a few homeowners. In a larger subdivision, such as Loreto Landings, the private road is owned by the homeowners association and maintained by them.

There should be a small frontage requirement because water and sanitary sewer lines, if they were ever extended to Leroy, need access to the road. In Loreto Landings, the Utilities Department requires the owners to have money in escrow to fix any issues that may arise. For a subdivision of 43 lots, that is not a burden, but for a development of three lots, it may be a burden.

The access parcel had no other design standards other than 60 feet of frontage. There is no requirement to maintain the width all the way to the lots, nor a requirement for length of the access parcel. There were also no standards for materials of the driveway or requiring a turn-around for vehicles.

One-sided signs would be required to be parallel to the road and may be difficult to read. If the signs were allowed to have two faces, then they could be perpendicular to the road. There was no reference to the height restrictions in the sign section.

Staff recommended that the text amendment be passed with the following changes:

1. Minimum frontage of 20 feet for each lot or minimum design standards including minimum width of the lot from the right-of-way to the lots and a maximum depth of the access parcel.
2. Consider allowing signs to have two faces with the same maximum square footage.
3. Consider including the maximum height requirement that was brought forth from the Land Use and Zoning Committee.
4. Delete architect from being able to submit plans. These types of plans should be prepared by a surveyor or civil engineer.
5. Add language referring to the CAD standards in the Lake County Subdivision Regulations.

The CAD standards were added to the Subdivision Regulations in 2009. They require turn-arounds from Ohio Fire Codes, minimum pavement widths, maximum length of the drive, and maximum number of units on the driveway.

The Land Use and Zoning Committee did not approve of the Estate Lot Overlay text change. Parcels without frontage would be a burden on the community and future homeowners. The access parcel is not easy to administer, or transfer and deed restrictions would be difficult to administer. There should be some standards to allow the safety vehicles to travel on these driveways. They recommended revising the language.

Mr. Schaedlich moved and Mr. Adams seconded the motion to accept the recommendation of the Land Use and Zoning Committee for the Text Change to Section 34, Estate Lot Overlay not to be added to the Leroy Township Zoning Resolution. It is recommended to be revised and resubmitted.

All voted "Aye".

Land Use and Zoning Member Appointments

Mr. Klco, Ms. Diak, Ms. Malec and Mr. Welch stated they wished to continue as members of the Land Use and Zoning Committee. We are waiting a confirmation from Perry and Madison Townships Trustees. The current Chair of the Planning Commission wishes to bring these appointments to the full board.

Ms. Pesec asked for a motion to approve the Land Use and Zoning Committee appointments. Mr. Schaedlich moved and Mr. Smith seconded the motion.

All voted "Aye."

REPORTS OF SPECIAL COMMITTEES

Landscape Design Subcommittee

Ms. Pesec said that she would recommend that a developer be on the Landscape Design Subcommittee. The members are Mr. Brotzman, Ms. Pesec, Mr. Schaedlich, and Mr. Zondag. Mr. Radachy suggested that a model ordinance is needed and a commercial developer should be on the Committee.

CORRESPONDENCE

There was no correspondence to report.

OLD BUSINESS

There was no old business to report.

NEW BUSINESS

There was no new business to report.

PUBLIC COMMENT

Mr. Eugene Politzer

The Board recognized the passing of Mr. Eugene Politzer, a member of the Planning Commission for 22 years, and requested that a condolence letter will be sent to his family recognizing his faithful service.

Mr. Adams moved and Mr. Schaedlich seconded the motion to send a condolence letter from the Planning Commission Board to the Politzer family.

All voted "Aye."

ADJOURNMENT

Ms. Hausch moved and Mr. Schaedlich seconded the motion to adjourn the meeting at 8:30 p.m.

All voted "Aye."

The meeting was adjourned.

